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July 5, 2016

VIA ECF AND ELECTRONIC MAIL
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VIA ECF

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, New York 10004-1408

Re: Picard v. Richard E. Feldman (10-04560)

Dear Judge Bernstein:

We are counsel to Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the estate of Bernard L. Madoff. We write to request a conference with the Court, pursuant to Local Bankruptcy Rule 7007-1(b), with respect to the defendant's failure to comply with any of their discovery obligations under the Federal Rules of Civil Procedure.

Pursuant to the Case Management Notice between the Trustee and Richard E. Feldman (the "Defendant"), which was filed on September 15, 2015, Defendant's Initial Disclosures were due on November 9, 2015. To date, Defendant's Initial Disclosures have not been served on the Trustee. On March 11, 2016, the Trustee served Defendant with Requests for Admission with a response date of April 13, 2016. As of today, the Trustee has not received responses to the Requests for Admission, as such, all of the Requests for Admission served on the Defendant are deemed admitted per Federal Rule of Civil Procedure 36(a)(3). On May 4, 2016, the Trustee served Defendant with Requests for Production of Documents and Things, with a response date of June 7, 2016. As of today, the Trustee has not received responses, from the Defendant, to the Requests for Production of Documents and Things.

We attempted to confer with counsel for the Defendant in a good faith effort to resolve the matter by agreement without the intervention of the Court, as required by this Court's Local

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Rules and your Honor's Chambers' Rules. The Trustee's counsel emailed and mailed a letter to Defendant's counsel on June 9, 2016 outlining the discovery deficiencies and stating that the Trustee would exercise his rights to remedy the discovery deficiencies absent a response from the Defendants by June 16, 2016. Counsel did not respond to this letter. The Trustee's counsel then called on June 23, 2016, and left a message with counsel's secretary. Defendant's counsel never returned this call.

Based on the foregoing, and pursuant to Local Bankruptcy Rule 7007-1(b), the Trustee respectfully requests a conference with the Court to compel a response to the Trustee's discovery requests and to deem the Requests for Admission admitted. Such a conference will assist the Trustee in completing the discovery to which he is entitled in these proceedings, and will hopefully obviate the need for discovery-related motion practice.

Should you have any questions, please feel free to contact me.

Sincerely,

/s/ Jonathan B. New

Jonathan B. New

cc: Jeffrey Bernfeld, Esq.